

REMARKS

Claims 1 and 3-15 are pending in this application. By this Amendment, claims 1 and 3-15 are amended. No new matter is added. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants note that the finality has been withdrawn and that the prior indication of allowability of claims 1 and 3-15 has been withdrawn, even though this same art has been before the Patent Office for the last several Office Actions.

In the Office Action, claims 1 and 3-15 are rejected under 35 U.S.C. §101 are being allegedly directed to non-statutory subject matter. This rejection is respectfully traversed.

To address the Examiner's concerns regarding structure and recitation of a "computer-readable medium," Applicants are revising the claims to recite a "program stored on a computer-readable medium that causes a computer to execute..." language. Claims 1 and 3-15 now clearly recite a tangible medium.

Moreover, it is alleged that the steps do not produce a "concrete, useful, and tangible" result. Applicants respectfully disagree. As exemplified by the patented claims in the applied Sundaresan patent, computer-implemented methods, products and apparatus that use rules to transform data structures into a transformed resultant value are statutory. As also set forth in *AT&T v. Excel Communications*, 172 F.3d 1352, 50 USPQ2d 1447 (Fed. Cir. 1999), physical transformation is not an invariable requirement for a mathematical algorithm. Instead, the test is whether the final result of the process steps is "useful, tangible, and concrete." Usefulness can be satisfied if there is a practical application for the steps. Here, the practical application is filtering of variables to provide an evaluated result. Practical examples of such are illustrated in Applicants' page 11 and 24-26, which can be used as a final result, or used for subsequent transformations.

These results are also tangible because they have real-world applications in language construction and transformations, pattern matching, etc. (pg. 13, lines 26-32) and are tied to a computer-readable medium that causes a computer to execute the recited steps to achieve the result.

The results are also "concrete" as they are completely repeatable. Thus, it is respectfully submitted that the claims are directed to statutory subject matter. Withdrawal of the rejection is respectfully requested.

In the Office Action, claims 1, and 3-15 are rejected under 35 U.S.C. §102(e) over U.S. Patent No. 6,487,556 to Sundaresan. This rejection is respectfully traversed.

As indicated previously, the claims are amended to be directed to a program stored on a computer-readable medium. Independent claim 1 recites a program that causes a computer to execute, *inter alia*, evaluating a first code structure representing an expression "to determine a value of said expression prior to filtering"; analyzing a second code structure to determine characteristics of the filter; and "filtering said evaluated value according to the filter characteristics," wherein the steps of evaluating, analyzing and filtering are performed upon explicit invocation of a matching operator." Moreover, claim 1 recites that the first and second code structures symmetrically constructed. This is supported, for example, by page 7, lines 15-26 and page 13, lines 19-25.

Because of the symmetrical constructions of the data structure (expression) and the pattern matching construction (filter), the claimed program can accommodate various and arbitrary complex structures, such as strings, sequences, sets, distance, records, trees, DAGs, graphs, and combinations thereof.

Sundaresan is directed to string-based pattern matching technique that relies on template matching. Thus, it is much more limited in its ability to pattern match. Sundaresan has four rules: a source pattern, a condition, a target pattern, and an action part. The source

pattern is matched against a subject XML structure. If there is a match, the condition is evaluated (col. 6, lines 30-45).

Sundaresan does not evaluate an expression to obtain a value prior to the filtering. Instead, the expression is directly matched to the source pattern. Thus, Sundaresan does not filter an evaluated value. Moreover, Sundaresan does not teach or suggest that first and second code structures are symmetrically constructed. Furthermore, Sundaresan does not use an explicit invocation of a matching operator as claimed. This allows one to see the operation as a Boolean evaluation (such as and, or, not, etc.) This can also allow for cascading matching operations of evaluated expressions (page 15, lines 20-28). Relied upon element 312 and col. 6, line 38 of Sundaresan fail to teach or suggest such an operator.

Because Sundaresan fails to teach or suggest each and every feature of independent claim 1, claim 1 and claims dependent therefrom patentably distinguish over Sundaresan. Withdrawal of the rejection is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the pending claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Information Disclosure Statement w/ PTO-1449

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